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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Virgil Beck

Serial No.: 10/820,657

Filed: April 8, 2004

Due Date: June 13, 2005

Title: PORTABLE CALF PEN AND METHOD OF USE



Examiner: Kimberly S. Smith

Group Art Unit: 3644

Docket No.: B361.101.101

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

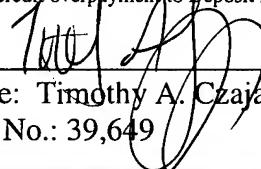
Sir/Madam:

We are transmitting herewith the attached:

- Transmittal Sheet containing Certificate of Mailing (1 pg.).
- Response to Restriction Requirement (2 pgs.).
- Return Postcard.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. At any time during the pendency of this application, please charge any additional fees or credit overpayment to Deposit Account No. 500471.

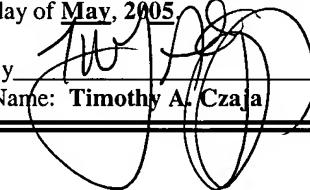
Customer No. 025281

By: 

Name: Timothy A. Czaja
Reg. No.: 39,649

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26 day of May, 2005.

By: 
Name: Timothy A. Czaja



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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed May 13, 2005, in which a Restriction Requirement was set forth relative to the Examiner-identified inventions of Group I (claims 1-15) and Group II (claims 16-19). In response, Applicant hereby elects Group I (claims 1-15) with traverse for at least the reasons provided below.

Applicant respectfully notes that the claims of Group I relate to a method of isolating a newborn calf from the calf's mother, and the claims of Group II relate to a portable pen for use in isolating a newborn calf from the calf's mother. Based on this close relationship alone, a serious burden on the Examiner would not exist in examining all claims as searching efforts would be virtually identical, and would be repeated if the claims were restricted (MPEP § 803.01).

In addition, the Examiner’s suggested alternative use for the product of Group II (“protection structure for covering vegetables in order to prevent wildlife from eating or destroying the planted vegetables”) is unsupported by the preamble of claim 16 (of Group II) that otherwise recites “a portable pen for use in isolating a newborn calf from the calf’s mother”. Further, claim 16 recites a frame having a front that forms an enlarged opening. It is respectfully submitted that with this “enlarged opening”, the portable pen of Group II could not prevent wildlife from eating or destroying planted vegetables, as otherwise asserted by the Examiner. For this additional reason, then, it is respectfully requested that the Restriction Requirement be withdrawn (MPEP §806.05(h)).

Response to Restriction Requirement

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Having thus addressed the Restriction Requirement imposed by the Examiner, reconsideration of the pending claims is respectfully requested.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone number to facilitate prosecution of this application.

Any inquiry regarding this Response should be directed to Timothy A. Czaja at Telephone No. (612) 573-2004, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

Dicke, Billig & Czaja, PLLC

Fifth Street Towers, Suite 2250

100 South Fifth Street

Minneapolis, MN 55402

Customer No. 025281

Respectfully submitted,

Virgil Beck,

By his attorneys,

DICKE, BILLIG & CZAJA, PLLC

Fifth Street Towers, Suite 2250

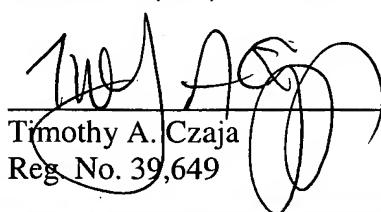
100 South Fifth Street

Minneapolis, MN 55402

Telephone: (612) 573-2004

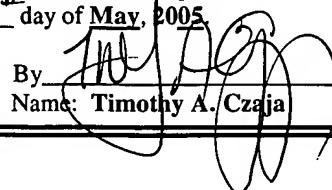
Facsimile: (612) 573-2005

Date: May 26, 2005
TAC:jmc


Timothy A. Czaja
Reg. No. 39,649

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26 day of May, 2005.


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Name: Timothy A. Czaja